

CITY COUNCIL REPORT  
PUBLIC

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TO: Mayor and Council Members

FROM: Dan Folke, Planning Director

CC: Jeff Meilbeck, Josh Copley, Jerene Watson, Michelle D'Andrea, Mark Landsiedel

SUBJECT: Conditional Use Permits for Rooming and Boarding Facilities

City Council has requested information on the number of Conditional Use Permits (CUP) for Rooming and Boarding Facilities that have been approved and how the enforcement of these approvals is implemented.

Background

With adoption of the 2011 Zoning Code a CUP for Rooming and Boarding Facility was created. A Rooming and Boarding Facility is defined as:

City Code 10-80.20.180 Definitions, "R."

Rooming and Boarding Facility: A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence. Includes dormitories, single room occupancy, fraternities and sororities.

Rooming and Boarding Facilities may be considered in the Estate Residential (ER), Medium Density Residential (MR), High Density Residential (HR) and Manufactured Housing (MH) residential districts. Within the Commercial districts a facility may be considered in all the commercial districts, but is required to be part of a mixed use development. Rooming and Boarding Facilities may also be considered for approval with a CUP in the T3, T4, T5 and T6 transect districts.

Discussion

The provisions for a CUP including the procedures, findings for approval, conditions and time limits are found in Section 10-20.40.050 of the zoning code. The purpose of a CUP is:

10-20.40.050 Conditional Use Permits

- A. Purpose: The purpose of Conditional Use Permits is to provide a process for reviewing uses and activities that are permitted in an applicable zone, but that require more discretionary review and the possible imposition of conditions to mitigate the effects of the proposed use.

Conditional Use permits are heard by the Planning and Zoning Commission who may approve, approve with conditions or deny a CUP application. Appeals of their decision go to

the City Council. CUP approvals run with the land and conditions are binding to successors and assigns. Once a CUP is approved compliance and the process to consider revocation is found in paragraph (I):

I. Compliance/Revocation: The Director, upon inspection and review of any conditional use permit, shall report to the Planning Commission when the permit holder is not in compliance with the conditions of approval. The Planning Commission shall notify the permit holder and shall set the matter of revocation for a public hearing. If the Planning Commission finds, following a public hearing, that the conditions imposed in the issuance of a conditional use permit are not being complied with, the conditional use permit may be revoked and further operation of the use for which the Conditional Use Permit was approved shall constitute a violation of this Zoning Code.

Prior to the adoption of the 2011 Zoning Code, the Land Development Code did not identify Rooming and Boarding as a use within specific zoning districts, although there was a parking standard for "Lodging houses, boarding, and rooming houses, dormitories, and fraternities". These types of dwellings were a permitted use in certain residential zoning districts as "Planned" apartments.

Since the adoption of the 2011 Zoning Code zero (0) CUP for a Rooming and Boarding Facility have been requested or approved.

#### Recommendation

This CCR is provided for information purposes only.